



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
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Refer to NMFS No: WCRO-2024-03405

March 7, 2025

Ralph J. Rizzo
Division Administrator
Federal Highway Administration
Washington Division
711 S. Capitol Way, Suite 501
Olympia, WA 98501

Re: Endangered Species Act Section 7(a)(2) Condensed Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat Consultation for the Reinitiation of SR 28 East Wenatchee Corridor Improvements (2006/01816) in Chelan County, Washington.

Dear Mr. Rizzo:

This letter responds to your December 30, 2024, request for reinitiation of consultation with the National Marine Fisheries Service (NMFS) pursuant to Section 7 of the Endangered Species Act (ESA) for the subject action. Your request qualified for our expedited review and analysis because it met our screening criteria and contained all required information on, and analysis of, your proposed action and its potential effects to listed species.

We reviewed the consultation request and related reinitiation package, including a biological assessment addendum (2024 BA addendum; FHWA 2024). The action area for the proposed action occurs outside the boundary of designated critical habitat for Upper Columbia River (UCR) spring-run Chinook salmon and UCR steelhead. Where relevant, we have adopted the information and analyses you have provided and/or referenced, but only after our, science-based evaluation confirmed they meet our regulatory and scientific standards.

Updates to the regulations governing interagency consultation (50 CFR part 402) were effective on May 6, 2024 (89 FR 24268). We are applying the updated regulations to this consultation. The 2024 regulatory changes, like those from 2019, were intended to improve and clarify the consultation process, and, with one exception from 2024 (offsetting reasonable and prudent measures), were not intended to result in changes to the Services' existing practice in implementing section 7(a)(2) of the ESA (89 FR 24268; 84 FR 45015). We have considered the prior rules and affirm that the substantive analysis and conclusions articulated in this biological opinion and incidental take statement would not have been any different under the 2019 regulations or pre-2019 regulations.



NMFS completed consultation for the SR 28 East Wenatchee Corridor Improvements project on May 15, 2006, via a Letter of Concurrence (LOC) (2006 LOC; NMFS 2006). The proposed action in our 2006 LOC was for entire East Wenatchee corridor (Stages 1-7). Stages 1-3 of the project have already been constructed and are not discussed here. In addition, Stages 5 and 7 will not be changing and are not discussed here. The Federal Highway Administration (FHWA) proposes to modify Stages 3, 4, and a portion of Stage 6 by incorporating a new interchange between SR 28 and Sunset Highway and replacing a culvert on Sand Canyon Creek, which will require in-water work. The 2006 BA did not include in-water work because Sand Canyon Creek ran dry after irrigation was shut off in the fall. Since that time, over-irrigation has charged groundwater more and water is persistent in the creek year-round. This creates a need to dewater the work area and relocate fish to facilitate the culvert replacement. We incorporate by reference the information contained in the “Project Modifications” section of the 2024 BA addendum. Stormwater management is now being designed to the current standards; we incorporate by reference the information contained in the “Stormwater Management” section of the 2024 BA addendum. We also incorporate by reference the additional conservation measures in the 2024 BA addendum. Further, we incorporate by reference the following sections of the 2006 WSDOT BA that apply to the modified action: Section 2.9 “Construction Equipment” (p. 18), Section 2.3 “Right -of-Way Acquisition” (p.6), Sections 2.5-2.7 “Bicycle Facilities,” “Pedestrian Facilities,” and “Illumination and Landscaping,” Section 7.3 “Conservation Measures for Chinook Salmon” (p. 53), Section 7.4 “Conservation Measures for Steelhead Trout” (p.54).

BIOLOGICAL OPINION

We examined the status of UCR spring-run Chinook salmon and UCR steelhead that would be adversely affected by the proposed action to inform the description of the species’ “reproduction, numbers, or distribution” as described in 50 CFR 402.02. Finally, we examined the likely effects on any listed species that your agency made “not likely to adversely affect” (NLAA) determinations for. Our conclusions regarding the effects of the action on Southern Resident Killer Whales (SRKW) is presented below under the heading: NLAA Determinations.

NMFS’ status of the species summary for UCR spring-run Chinook salmon and UCR steelhead, the species that may be affected by the proposed action, is available on the NOAA Fisheries website at <https://www.fisheries.noaa.gov/west-coast/consultations/esa-section-7-consultations-west-coast> and incorporated by reference. NMFS also incorporates by reference the 2022 5-Year Review: Summary & Evaluation of Upper Columbia River Spring-run Chinook Salmon and Upper Columbia River Steelhead (NMFS 2022). In addition, we also incorporate by reference the following species recovery plan and references cited in the [2007 Upper Columbia Spring-run Chinook Salmon and Steelhead Recovery Plan](#) (UCSRB 2007).

Additional information has become available since the most-recent 5-year reviews and the recovery plans were published and are summarized below and contribute to the best scientific and commercial data available for the species considered in this opinion. A summary of the current status of the UCR spring-run Chinook salmon ESU can be found on NMFS’ publicly available internet site at: <https://www.fisheries.noaa.gov/s3/2024-08/status-species-upper-columbia-river-spring-chinook-july-2024.pdf>, and is incorporated by reference here. A summary

of the current status of the UCR steelhead DPS can be found on NMFS' publicly available internet site at: <https://www.fisheries.noaa.gov/s3/2024-08/status-species-upper-columbia-river-spring-chinook-july-2024.pdf>, and is incorporated by reference here. Rangewide, both species are at a high risk of extinction.

“Action area” means all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action (50 CFR 402.02). The action area includes 100 feet upstream of the culvert replacement site, the culvert itself on SR 28, and downstream roughly 1,900 feet to the confluence of Sand Canyon Creek with the Columbia River. As previously stated, the action area in Sand Canyon Creek occurs outside the boundary of designated critical habitat for both UCR spring-run Chinook salmon and UCR steelhead.

The “environmental baseline” refers to the condition of the listed species in the action area, without the consequences to the listed species caused by the proposed action. The environmental baseline includes the past and present impacts of all federal, state, or private actions and other human activities in the action area, the anticipated impacts of all proposed federal projects in the action area that have already undergone formal or early section 7 consultations, and the impact of State or private actions which are contemporaneous with the consultation in process. The impacts to listed species from federal agency activities or existing federal agency facilities that are not within the agency's discretion to modify are part of the environmental baseline (50 CFR 402.02). Section 4 of the 2006 BA describes the environmental baseline and is adopted here.

Sand Canyon Creek as an intermittent tributary to the Columbia River, maintaining 0.5 to 3.0 cfs through the irrigation season (March to October), in which no pools over a foot in depth had been observed. Approximately 1,900 feet of Sand Canyon Creek are accessible to fish from the Columbia River to the first barrier at SR 28 (0% passable), another barrier 750 feet upstream on 19th Street NE (0% passable), and a third barrier (0% passable) 1,000 feet upstream. These three fish barriers, as well as the overall urbanization of the surrounding riparian ecosystem limit access to fish to only the lower 1,900 feet of Sand Canyon Creek. The 2024 BA addendum describes changes in hydrology over the last 20 years from intermittent to perennial, which that now require dewatering for culvert replacement. In addition, fish access below the lowermost culvert in the action area is limited due to barriers, including a thicket of golden willow, a head cut, and series of debris dams that greatly reduce the likelihood of fish accessing the area immediately below the culvert. The action area in Sand Canyon Creek is not a spawning stream for UCR spring-run Chinook salmon or UCR steelhead; however, rearing juveniles of both species may occur there.

A fish survey by Matt Wisen and Washington Department of Fish and Wildlife (WDFW) in 2015 found 4 coho salmon, 8 steelhead, 4 stickleback, 6 sucker, and 4 pikeminnow between the mouth of the Columbia River and the SR 28 barrier (FHWA 2024). Chinook salmon are not known or documented to use Sand Canyon Creek. However, the fact that steelhead and coho salmon use the action area, and that the action area is adjacent to, but outside the boundary of, critical habitat make it likely that Chinook salmon may occur in the action area.

Under the ESA, “effects of the action” are all consequences to listed species that are caused by the proposed action, including the consequences of other activities that are caused by the proposed action. A consequence is caused by the proposed action if it would not occur but for the proposed action and it is reasonably certain to occur. Effects of the action may occur later in time and may include consequences occurring outside the immediate area involved in the action.

The 2024 BA addendum provides discussion and assessment of the effects of the proposed action in the effects determination section of the initiation package, and is adopted here (50 CFR 402.14(h)(3)). NMFS has evaluated this section and after our independent, science-based evaluation determined it meets our regulatory and scientific standards. The 2024 BA addendum found the effects of the proposed action to UCR spring-run Chinook salmon and UCR steelhead are:

- Exposure to short-term increases in suspended sediment during construction activities.
- Dewatering and desiccation of the streambed that will reduce downstream forage.
- Harassment, injury, or death of fish during dewatering and fish handling activities.
- Short-term increase in stream temperature from removal of shade producing vegetation, as well as a short-term reduction of forage from terrestrial invertebrate input.

The 2024 BA addendum identifies exposure to short-term increases in suspended sediment as likely to adversely affect UCR spring-run Chinook salmon and UCR Steelhead. NMFS believes that the BA overestimates the effects of suspended sediment on juvenile UCR spring-run Chinook salmon and UCR Steelhead because, 1) conservation measures proposed in the 2006 BA and 2024 BA addendum, including pumps and silt curtains are expected to reduce nearly all sediment from entering fish-bearing waters downstream of construction activities, and 2) any sediment caused by installation and removal of the bypass piping is expected to have nothing more than minor and temporary effects on UCR spring-run Chinook salmon and UCR steelhead.

The replacement of the culvert requires dewatering 100 feet of Sand Canyon Creek downstream of the culvert on SR 28. The 2024 BA addendum outlines that desiccation will lead to reduced downstream forage and, thus, adversely affect ESA-listed fish. Although some loss of downstream forage will occur, NMFS believes that the ultimate effects on ESA-listed fish are overstated within the 2024 BA addendum. Invertebrates such as stoneflies, mayflies, and caddisflies comprise a significant portion of juvenile salmonid prey. Desiccation of Sand Canyon Creek will harm aquatic larva stages of prey items, resulting in fewer feeding opportunities for UCR spring-run Chinook salmon and UCR Steelhead. However, winged adults of many prey species are highly mobile and capable of avoiding desiccation, as well as recolonizing Sand Canyon Creek once construction activities are complete. Due to the small area of desiccation, and anticipated recolonization rates once re-watered, NMFS finds these effects would have nothing more than minor and temporary effects on UCR spring-run Chinook salmon and UCR steelhead.

NMFS anticipates the proposed action will result in capture, injury, and death of juvenile fish due to dewatering and fish handling activities. The proposed action includes dewatering a 600 square foot area, with 300 square feet of that space being non-fish bearing. There are approximately 1,900 feet from the confluence of the Columbia River to the fish barrier at SR 28.

A fish survey by Matt Wisen and WDFW in 2015 found eight steelhead, zero Chinook salmon, and two coho salmon throughout this stretch of Sand Canyon Creek (2024 BA Addendum). Chinook salmon are not known or documented to use Sand Canyon Creek. However, the fact that steelhead and coho salmon use the action area, and that the action area is adjacent to, but outside the boundary of, critical habitat make it likely that Chinook salmon may occur in the action area. Because the dewatering will affect roughly 1/3 of the area surveyed, we estimate that up to three steelhead ($1/3$ of 8 = 2.6, rounded up to 3) and up to one Chinook salmon are expected to be handled.

The proposed action will adversely affect a very small number of juvenile fish due to the 0.24 acres of riparian vegetation removed. The removal of riparian vegetation will slightly increase stream temperature, resulting in stress and reducing feeding in salmonids. Additionally, the loss of vegetation will reduce both stream and riparian insects which are an important part of juvenile salmonid diet.

“Cumulative effects” are those effects of future state or private activities, not involving federal activities, that are reasonably certain to occur within the action area of the federal action subject to consultation (50 CFR 402.02). Future federal actions that are unrelated to the proposed action are not considered in this section because they require separate consultation pursuant to section 7 of the ESA. NMFS does not expect cumulative effects in the action area to further reduce the productivity, spatial distribution, or abundance of UCR spring-run Chinook salmon and UCR steelhead within the action area.

The Integration and Synthesis section is the final step in our assessment of the risk posed to species as a result of implementing the proposed action. In this section, we add the effects of the action to the environmental baseline and the cumulative effects, taking into account the status of the species, to formulate the agency’s biological opinion as to whether the proposed action is likely to: (1) Reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing its numbers, reproduction, or distribution.

The proposed action is expected to kill or injure a very small number of juveniles during fish salvage. The proposed action will also temporarily reduce habitat via the removal of riparian vegetation and stream shade during construction activities. In the long term, the change from a non-passable culvert to a fish passable culvert will be beneficial by providing access to 750 feet of new upstream habitat for UCR spring-run Chinook salmon and UCR steelhead. Overall, the status of these species is generally poor as a result of a combination of effects outside the action area and of the existence and operation of several Columbia River dams impairing habitat in the action area. Individuals from all four populations of UCR steelhead and all three populations of UCR spring-run Chinook salmon may be affected by the proposed action. The effects of construction will be temporary and will not impact more than a small number of individuals from a single cohort present during construction. A one-time loss of a small number of juveniles caused by the proposed action would not affect the viability status of any population, DPS, or ESU. Sublethal effects to juveniles from the very slight changes to stream temperature and reduced foraging in the action area over the long term are not expected to affect the viability status of the exposed populations, or the associated ESU or DPS.

Considering the effects of the action in conjunction with the existing condition of the environmental baseline and the level of potential cumulative effects, NMFS has determined that the loss of a very small number juvenile UCR spring-run Chinook salmon and UCR steelhead that may be caused by the proposed action will not be substantial enough to negatively influence viable salmonid population (VSP) criteria at the population scale and will not appreciably reduce the likelihood of any population maintaining its current status. Because the effects will not be substantial enough to negatively influence VSP criteria at the population scale, the viability of major population groups (MPGs, evolutionarily significant units (ESUs), and distinct population segments (DPSs) are also not expected to change. The effects of the proposed action are not likely to appreciably reduce survival of any of the species considered in this opinion at the species level, nor is the action likely to reduce the likelihood of recovery of these species.

After reviewing and analyzing the current status of the listed species, the environmental baseline within the action area, the effects of the proposed action, the effects of other activities caused by the proposed action, and cumulative effects, it is NMFS' biological opinion that the proposed action is not likely to jeopardize the continued existence of UCR spring-run Chinook or UCR steelhead.

INCIDENTAL TAKE STATEMENT

Section 9 of the ESA and federal regulations pursuant to section 4(d) of the ESA prohibit the take of endangered and threatened species, respectively, without a special exemption. "Take" is defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or to attempt to engage in any such conduct. "Harm" is further defined by regulation to include significant habitat modification or degradation that actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering (50 CFR 222.102). "Harass" is further defined by guidance as to "create the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." "Incidental take" is defined by regulation as takings that result from, but are not the purpose of, carrying out an otherwise lawful activity conducted by the federal agency or applicant (50 CFR 402.02). Section 7(b)(4) and section 7(o)(2) provide that taking that is incidental to an otherwise lawful agency action is not considered to be prohibited taking under the ESA if that action is performed in compliance with the terms and conditions of this ITS.

Amount or Extent of Take

In the opinion, NMFS determined that incidental take of juvenile UCR Chinook salmon and UCR Steelhead is reasonably certain to occur and will include: (1) Harassment, injury, or death of fish during dewatering and fish handling activities and (2) Temporary increase in temperature from reducing shading and reduction of terrestrial invertebrate input until riparian function is restored.

Incidental Take from Dewatering and Fish Handling Activities

Based on a fish survey by Matt Wisen and WDFW (2024 BA Addendum), NMFS anticipates the proposed action will result in capture, injury, and death of up to one juvenile UCR spring-run Chinook salmon and three UCR steelhead.

Incidental Take from Increased Temperature and Reduction of Riparian Function

NMFS anticipates that the proposed action will result in harm to a very small number of fish due to the 0.24 acres of riparian vegetation removed. Determining the exact number of juvenile fish adversely affected is not possible due to many potential outcomes of individual fish behavior, natural variation of riparian and invertebrate species recolonization, and hydrology. For this reason, NMFS relies on a surrogate for the extent of take due to the reduction in riparian function. The surrogate is causally linked to the take pathway because the scale of the effect is related to the amount of riparian vegetation removed. Thus, the extent of take will be exceeded if more than 0.24 acres of riparian habitat is removed. The surrogate can be reasonably and reliably measured and monitored and, therefore, serves as meaningful reinitiation trigger.

Effect of the Take

In the biological opinion, NMFS determined that the amount or extent of anticipated take, coupled with other effects of the proposed action, is not likely to result in jeopardy to the species.

Reasonable and Prudent Measures

The “reasonable and prudent measures” listed below are measures that are necessary or appropriate to minimize and/or monitor the impact of the amount or extent of incidental take (50 CFR 402.02). The FHWA will minimize incidental take by:

1. Monitoring the project to ensure that the measures are meeting the objective of minimizing take and that the amount or extent of take is not exceeded.
2. Minimize incidental take resulting from dewatering and fish handling activities.

Terms and Conditions

In order to be exempt from the prohibitions of section 9 of the ESA, the federal action agency must comply (or must ensure that any applicant complies) with the following terms and conditions. The FHWA or any applicant has a continuing duty to monitor the impacts of incidental take and must report the progress of the action and its impact on the species as specified in this ITS (50 CFR 402.14). If the entity to whom a term and condition is directed does not comply with the following terms and conditions, protective coverage for the proposed action would likely lapse.

1. The following terms and conditions implement RPM 1:

- a. The FHWA shall track and monitor riparian habitat removal activities daily to ensure that take is minimized.
- b. Within 90 days after construction is completed, the FHWA shall provide NMFS a post-project monitoring report to crbo.consultationrequest.wcr@noaa.gov including, at a minimum, the following information:
 - i. Project name and the NMFS Tracking Number: SR 28 East Wenatchee Corridor Improvements in Chelan County, Washington, WCRO-2024-03405.
 - ii. Number of steelhead that were captured and released without injury.
 - iii. Number of steelhead that were captured and observed injured or dead.
 - iv. Number of Chinook salmon that were captured and released without injury.
 - v. Number of Chinook salmon that were captured and observed injured or dead.
 - vi. Total dewatered area (square feet).
- c. If the amount or extent of take is exceeded, stop project activities, and notify NMFS immediately via email to crbo.consultationrequest.wcr@noaa.gov, including “Take Exceedance” and the NMFS Tracking Number, WCRO-2024-03405.

Conservation Recommendations

Section 7(a)(1) of the ESA directs federal agencies to use their authorities to further the purposes of the ESA by carrying out conservation programs for the benefit of the threatened and endangered species. Specifically, conservation recommendations are suggestions regarding discretionary measures to minimize or avoid adverse effects of a proposed action on listed species or regarding the development of information (50 CFR 402.02).

- Enhance vegetation within the action area to support riparian habitats through temperature control and prey base for ESA-listed salmon.

Reinitiation of Consultation

Under 50 CFR 402.16(a): “Reinitiation of consultation is required and shall be requested by the federal agency where discretionary federal involvement or control over the action has been retained or is authorized by law and: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) If new information reveals effects of the agency action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written

concurrence; or (4) If a new species is listed or critical habitat designated that may be affected by the identified action.”

ESSENTIAL FISH HABITAT RESPONSE

Thank you also for your request for essential fish habitat (EFH) consultation. NMFS reviewed the proposed action for potential effects on EFH pursuant to section 305(b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), implementing regulations at 50 CFR 600.920, and agency guidance for use of the ESA consultation process to complete EFH consultation. We have concluded that the action would adversely affect EFH designated under the Pacific Coast Salmon Fishery Management Plan (PFMC 2024). Below, NMFS provides EFH conservation recommendations.

MAGNUSON–STEVENS FISHERY CONSERVATION AND MANAGEMENT ACT

Section 305(b) of the MSA directs Federal agencies to consult with NMFS on all actions or proposed actions that may adversely affect EFH. Under the MSA, this consultation is intended to promote the conservation of EFH as necessary to support sustainable fisheries and the managed species’ contribution to a healthy ecosystem. For the purposes of the MSA, EFH means “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity”, and includes the associated physical, chemical, and biological properties that are used by fish (50 CFR 600.10). Adverse effect means any impact that reduces quality or quantity of EFH, and may include direct or indirect physical, chemical, or biological alteration of the waters or substrate and loss of (or injury to) benthic organisms, prey species and their habitat, and other ecosystem components, if such modifications reduce the quality or quantity of EFH. Adverse effects may result from actions occurring within EFH or outside of it and may include direct, indirect, site-specific, or habitat-wide impacts, including individual, cumulative, or synergistic consequences of actions (50 CFR 600.810). Section 305(b) of the MSA also requires NMFS to recommend measures that can be taken by the action agency to conserve EFH. Such recommendations may include measures to avoid, minimize, mitigate, or otherwise offset the adverse effects of the action on EFH (50 CFR 600.905(b)).

The proposed project occurs within EFH for federally managed fish species within the Pacific Coast Salmon Fishery Management Plan (i.e., Chinook and coho salmon). In addition, the project occurs within, or in the vicinity of thermal refugia, spawning habitat, and complex channels and floodplains, which are designated as a habitat area of particular concern (HAPC). A HAPC is described in the regulations as a subset of EFH which are rare, particularly susceptible to human-induced degradation, especially ecologically important, or located in an environmentally stressed area. Designated HAPCs are not afforded any additional regulatory protection under the MSA; however, federal projects with potential adverse impacts on a HAPC will be more carefully scrutinized during the consultation process.

Adverse Effects on EFH

NMFS determined the proposed action would adversely affect EFH as follows:

1. Temporarily degraded water quality during construction activities will increase suspended sediment concentration, which may adversely affect the thermal refugia and spawning habitat HAPCs.
2. Dewatering will temporarily result in less suitable habitat available for juvenile salmon, which may adversely affect the complex channels and floodplains HAPC.
3. Increased water temperature due to removal of shading provided by riparian vegetation, which may adversely affect the thermal refugia HAPC.

EFH Conservation Recommendations

NMFS determined that the following conservation recommendations are necessary to avoid, minimize, mitigate, or otherwise offset the adverse effects of the proposed action on EFH.

1. To minimize adverse effect 1: Route sump pumps transferring construction water in a configuration in which water does not pool or lead to sediment transfer during large rain events.
2. To mitigate adverse effect 2: Develop benthic habitat with structure or vegetation to advance prey recovery.
3. To minimize adverse effect 3: Restore shading with appropriate age-class terrestrial plants.

Statutory Response Requirement

As required by section 305(b)(4)(B) of the MSA, the FHWA must provide a detailed response in writing to NMFS within 30 days after receiving an EFH conservation recommendation. Such a response must be provided at least 10 days prior to final approval of the action if the response is inconsistent with any of NMFS' EFH conservation recommendations unless NMFS and the federal agency have agreed to use alternative time frames for the federal agency response. The response must include a description of the measures proposed by the agency for avoiding, minimizing, mitigating, or otherwise offsetting the impact of the activity on EFH. In the case of a response that is inconsistent with the conservation recommendations, the federal agency must explain its reasons for not following the recommendations, including the scientific justification for any disagreements with NMFS over the anticipated effects of the action and the measures needed to avoid, minimize, mitigate, or offset such effects (50 CFR 600.920(k)(1)).

Supplemental Consultation

The FHWA must reinitiate EFH consultation with NMFS if the proposed action is substantially revised in a way that may adversely affect EFH, or if new information becomes available that affects the basis for NMFS' EFH conservation recommendations (50 CFR 600. 920(l)).

This letter underwent pre-dissemination review using standards for utility, integrity, and objectivity in compliance with applicable guidelines issued under the Data Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001, Public Law 106-554). The biological opinion will be available through NOAA Institutional Repository [<https://repository.library.noaa.gov/welcome>]. A complete record of this consultation is on file at NMFS' Columbia Basin Branch.

Please direct questions regarding this letter to Justin Yeager at (509) 899-9784.

Sincerely,



Nancy L. Munn, Ph.D.
Assistant Regional Administrator
Interior Columbia Basin Office

cc: Mackenzie Durham, WSDOT NMFS Liaison
Cindy Callahan, FHWA Environmental Specialist/Biologist
Matt Wisen, WSDOT NCR Senior Biologist, GEC Manager
William Witucki, FHWA Area Engineer

REFERENCES

- FHWA (2024) Biological Assessment Addendum for the SR 28 East Wenatchee Corridor Improvements. Olympia, WA.
- National Marine Fisheries Service. (2022). 5-year review: Summary & evaluation of Upper Columbia River spring-run Chinook salmon and Upper Columbia River steelhead. U.S. Department of Commerce.
- Pacific Fishery Management Council (PFMC). 2024. Pacific Coast Salmon Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California as Revised through Amendment 24. PFMC, Portland, OR. 84 p.
- UCSRB (Upper Columbia Salmon Recovery Board). 2007. Upper Columbia Spring Chinook Salmon and Steelhead Recovery Plan. 352p.
- WSDOT (2006). Biological Assessment SR 28 (Sunset Highway) Eastside Corridor Project, Spokane, WA